

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA, ex rel. )  
LOUIS LONGO, )

Plaintiff-Relator )

v. )

Case No. 2:17-cv-01654-MJH

WHEELING HOSPITAL, INC., )  
R&V ASSOCIATES, LTD., and )  
RONALD L. VIOLI )

Defendants. )

**DECLARATION OF DR. LOWELL SHINN**

I, Dr. Lowell Shinn, hereby declare as follows:

1. I am an adult over the age of eighteen (18) and a resident of the State of West Virginia.

2. The information contained in this Declaration is based on my personal knowledge.

If called to testify, I would state as follows:

3. I am a medical oncologist. I have been employed at Wheeling Hospital ("Hospital") for the past seven years.

4. In addition to working at the Hospital, I also reside in Wheeling, West Virginia.

5. My employment contract with the Hospital was negotiated with Hospital executives in Wheeling, West Virginia.

6. My patient files and records are kept on-site at the Hospital.

7. If I were required to testify or attend court proceedings in this case in Pittsburgh, Pennsylvania, it significantly would disrupt my practice. Given my busy professional schedule, my absence from the office for even one day likely would require the cancellation of between 15 to 25 patient appointments.

8. Because I treat cancer patients, my patients do not like to see doctors other than me as their treating oncologist, and they could view my absence as a risk to their health.

9. My ability to care for my patients could be compromised if I were required to testify or attend other proceedings in Pittsburgh because, when I am not at the Hospital, I am unable to access electronic files. Thus, if I were away in Pittsburgh, I would be unable to review electronic records in the event I needed to provide treatment advice.


10. In addition, travel outside of Wheeling, including to Pittsburgh, would be exceptionally disruptive to me personally because I work long hours and have three small children at home. Having to reschedule patient appointments due to my absence from the office and spend time traveling to and from Pittsburgh to testify in this case would take away precious time from my family that I do not have to give. This would be a burden not only for me, but also for my wife and small children.

11. It would be more convenient if the trial and other court proceedings in this case were in Wheeling, West Virginia because the federal courthouse in Wheeling, located at 1125 Chapline Street, is less than four miles from the Hospital. This would lessen my travel-related lost work time and other hardships because I could see patients before and/or after my court appearances. In addition, if I had to testify or otherwise appear in court in in Wheeling, I could quickly return to the Hospital in the event of an emergency.

12. If called to testify in this case, I would further testify regarding my contract (including compensation) negotiations with the Hospital, my medical practice and procedures, and the billing protocols used in my practice.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: May 9, 2019  
in Wheeling, West Virginia

  
\_\_\_\_\_  
Dr. Lowell Shinn